

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 STEPHEN LIEBB,

4 Petitioner,

5 v.

6 R. AYERS JR.,

7 Respondent.

8
9 No. C 08-2643 CW

TENTATIVE RULING
DENYING PETITION
FOR WRIT OF HABEAS
CORPUS

10 On December 2, 2009, this Court granted Petitioner's petition
11 for writ of habeas corpus and ordered the California Board of
12 Parole Hearings to hold a parole hearing for Petitioner. On April
13 14, 2011, the Ninth Circuit reversed and remanded this Court's
14 decision in light of Swarthout v. Cooke, 131 S. Ct. 859 (2011).
15 The Supreme Court's holding in Swarthout appears to be dispositive
16 of the petition.

17 The parties have not filed any papers since the case was
18 remanded, and it appears that there are no remaining issues to be
19 decided in this case on remand. Unless, within fourteen days of
20 the date of this order, either party shows cause to the contrary,
21 outlining the issues it believes remain to be decided on remand,
22 the Court will deny the petition for habeas corpus and the clerk
23 will enter a separate judgment.

24 IT IS SO ORDERED.

25
26 Dated: 1/29/2013


27 CLAUDIA WILKEN
28 United States District Judge